



FROM PAPERS OF
W.C. BRIAN TUNSTALL,
LONDON SCHOOL OF ECONOMICS,
THROUGH THE KINDNESS OF
DR. D.M. SCHURMAN, R.M.C.
APRIL, 1985

THE
REPORT
OF THE

General Officers,

Appointed to enquire into the Conduct of
Major General *Stuart*, and Colonels *Corn-*
wallis and Earl of *Effingham*, December
8th, 1756.

To which is prefixed,

HIS MAJESTY'S WARRANT.

L O N D O N:

Printed for M. COOPER, in *Pater-noster-Row*.

MDCCLVII.



GEORGE R.

WHEREAS We were pleased, in November last, to appoint Major General *James Stuart* to serve under, and be assisting to Lieutenant General *Blakeney* in the Island of *Minorca*; and also to order that he should repair to the said Island: AND WHEREAS the honourable *Edward Cornwallis*, Colonel of our 24th Regiment of Foot, and *Thomas Earl of Effingham*, Colonel of our 34th Regiment of Foot, were ordered to join their Regiments, then in Garrison at *Minorca*, with all possible Expedition, the said Island being threatened with an Attack from the French: AND WHEREAS the said Major General *Stuart*, and Colonels *Cornwallis* and Earl of *Effingham* did, in Consequence of the said Appointment and Orders, embark as Passengers on Board a Squadron of our Ships, sent out for the Defence of *Minorca*: AND WHEREAS it now appears, that the said Major General *Stuart* and Colonels *Cornwallis* and Earl *Effingham* did not join their respective Commands, whence arises a Suspicion of Disobedience of Orders, and Neglect of Duty; all which, We have thought fit should be enquired into, by the general Officers herein after named: Our Will and Pleasure there-

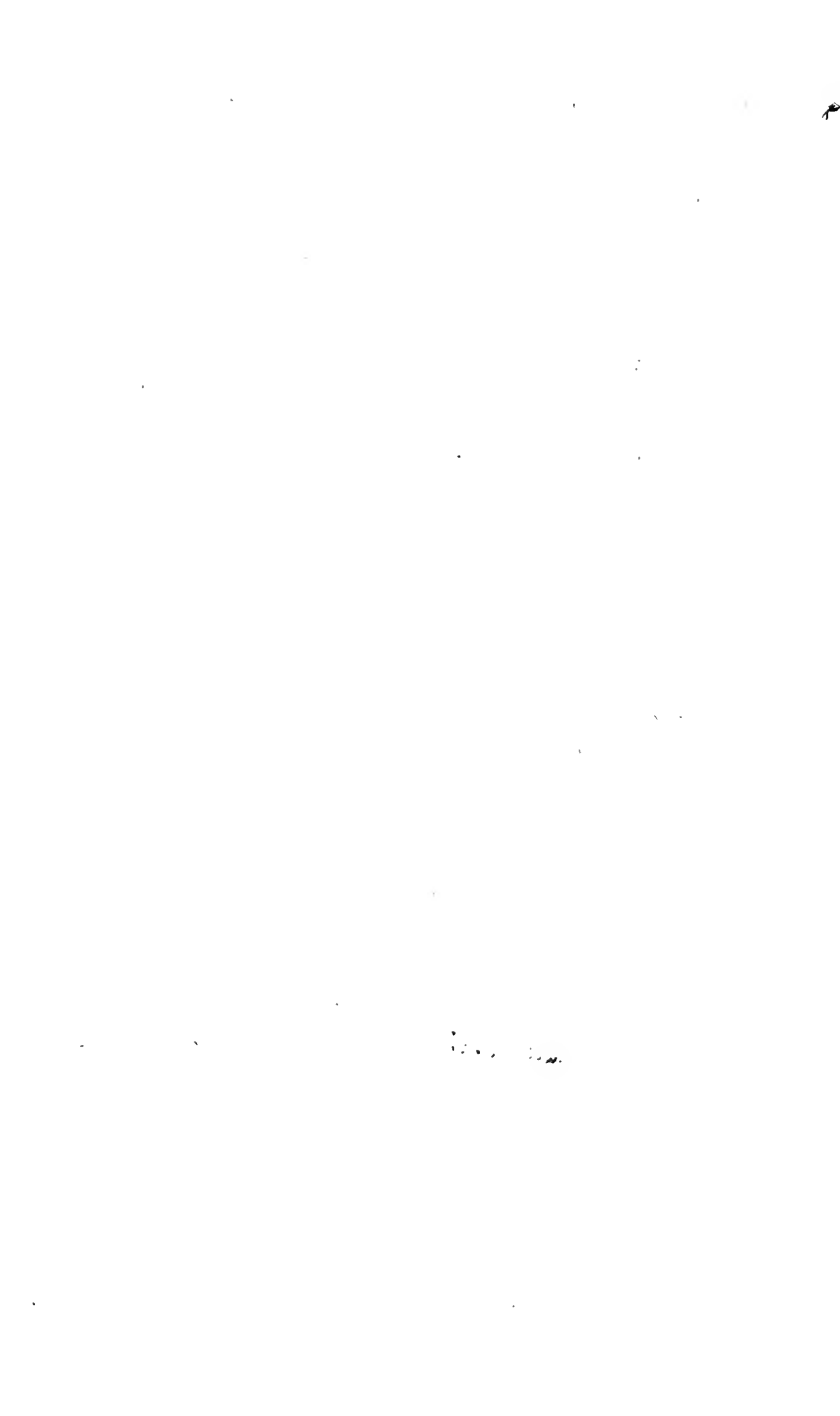
fore is, and we do hereby nominate and appoint our right trusty and well-beloved Counsellor, Sir *John Ligonier*, General of Horse, and our trusty and well-beloved Lieutenant-Generals *John Huske* and *James Cholmondeley*, to examine and enquire, touching the Matters aforesaid; and particularly, whether the said Major General *Stuart*, and Colonels *Cornwallis* and Earl of *Effingham*, did use their best Endeavours to throw themselves into *Fort St. Philip* or at any time make Application to the Admiral, or other Officers of the Fleet, for that Purpose; and why the said Officers, being only Passengers on Board the said Fleet, did assist at, and sign a Sea-Council of War, which advised an immediate Return to *Gibraltar*, without making any Attempt to reinforce or relieve the Garrison of *St. Philip* then besieged by the Enemy. And you are to give Notice to the said General Officers, when and where they are to meet, in Order to the said Examination, and to summon such Witnesses as shall be able to give Testimony touching the said Matters. And you are also to give Notice to the said Major General *Stuart*, and Colonels *Cornwallis* and Earl of *Effingham*, of the Time and Place appointed for the Meeting of the said General Officers, that they may have an Opportunity of attending and being heard, as to any thing they may desire to offer

fer in their Justification. And the said General Officers are hereby authorized, empowered, and required, strictly to examine into the Matters beforementioned, and to report a State thereof as it shall appear to them, together with their Opinion thereupon. All which, you are to transmit to Our Secretary at War, to be by him laid before Us, for Our Consideration. And for so doing, this shall be as well to you, as to Our said General Officers, and all others concerned, a sufficient Warrant. Given at Our Court at *St. James's*, this 22d Day of *November*, 1756, in the thirtieth Year of Our Reign.

By his Majesty's Command,

BARRINGTON.

To our trusty and well-beloved *Thomas Morgan*, Esq;
Judge Advocate General of our
Forces, or his Deputy.



T H E
R E P O R T
O F T H E

General Officers, &c.

May it please your Majesty,

WE, the General Officers appointed by your Majesty's Warrant, bearing Date the 22d Day of *November* last, to enquire into the Conduct of Major General *James Stuart*, the honourable *Edward Cornwallis*, Colonel of your Majesty's 24th Regiment of Foot, and *Thomas Earl of Effingham*, Colonel of your Majesty's 34th Regiment of Foot, in regard to their not having joined their respective Commands in the Island of *Minorca*; and particularly, whether they did use their best Endeavours to throw themselves into *Fort St. Philip* or at any Time make Application to the Admiral, or other Officers of the Fleet, for that Purpose; and why they, being only Passengers on Board the said Fleet, did assist at, and sign a Sea-Council
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of War, which advised an immediate Return to *Gibraltar*, without making any Attempt to reinforce or relieve the Garrison of *St. Philip*, then besieged by the Enemy; Have, in Obedience to the Directions of your Majesty's said Warrant, made diligent Enquiry touching the Matters aforesaid; and having been attended by the said Major General *Stuart*, and Colonels *Cornwallis* and Earl of *Effingham*, have heard what they severally desired to offer in their Justification. And we do hereby beg Leave to lay before your Majesty, a State of our whole Examination, in manner following, viz.

Lieutenant General Sir *William Blakeney* being asked, Whether the Communication with the Castle of *St. Philip* was open at the Time the *English* Fleet appeared off the Island?

Answered, That there are four Landing-Places, one larger than the others, and that the Communication would have been open through them, and that Succours might have been landed in case any had come (notwithstanding any Batteries of the *French*) upon the 19th Day of *May*, the Day upon which the *English* Fleet appeared.—That he sent out Mr. *Boyd* with a Letter to Admiral *Byng* that Day, but he could not reach the Fleet. That Admiral *Byng* made no Signal perceived

ed by the Garrison, nor sent any Body off towards *Fort St. Philip*.

Sir *William Blakeney* being asked, at the Desire of Colonels *Cornwallis* and the Earl of *Effingham*, At what Time the *French* Fleet appeared off *Minorca* after the Action; whether the next Day, or the Day following that?

Answered, That he does not with Certainty recollect, but rather thinks it was the second Day after the Action: if it should be thought material, by having Recourse to Minutes, he could fix it with Certainty.

Mr. *Robert Boyd* being likewise questioned in regard to the Communication with *Fort St. Philip*, said, That upon the Fleet being seen from the Garrison on the 19th of *May*, he received Orders to go off with a Letter from Lieutenant General *Blakeney* to Admiral *Byng*, to compliment him on his Arrival in those Seas, and to settle Signals, which should be used to inform the Garrison of his having got on Board; but, as the Boat was some Hours in preparing, it was almost Sun-set before it was ready; when he went out from *St. Stephen's* Cove in a six Oar'd Boat with eight Men, a Midshipman and a Coxswain, and rowed towards the Fleet till it was so dark, that he could not distinguish even their Lights; and as it then appeared to him impossible to reach the Fleet,

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and

and two *French* Vessels were standing out from the Land, he ordered the Men to lay upon their Oars till it grew quite dark, and then paddle into the Harbour; and that they landed at the Basin of one of the Sally-Ports, near the North-East Raveling.—He added, that the *French* fired at him as he went out; for, upon discovering a Fascinade Work near the *Marlborough*, which they were before unacquainted with, they took some Notice of it, and the *French* at that Time fired a wild scattering Fire over them, and at last, two or three Cannon.

Major General *Stuart* and Colonels *Cornwallis* and Earl of *Effingham*, having informed us, that they should in due Time offer some Matters in their Justification, and that they were ready and willing to answer any Questions that might be put to them, touching their Conduct—It was proposed to them to inform us of their Reasons for not obeying the Orders recited in your Majesty's Warrant, by repairing to their respective Commands in *Minorca*; and particularly, whether they did use their best Endeavours to throw themselves into *Fort St. Philip*, or if at any Time they made Application to the Admiral or Officers of the Fleet, for that Purpose: And also to inform us of their Reasons why they, being only Passengers on board the Fleet, did assist at, and sign a Sea-Coun-

Council of War, which advised an immediate Return to *Gibraltar*, without making any Attempt to reinforce or relieve the Garrison of *St. Philip*, then besieged by the Enemy.

In Answer thereto, Major General *Stuart* informed us, that he had put into Writing, what he imagined, from the Tenour of the Warrant, might be expected from him, and which he apprehended would be a full Answer to those Questions; and the same was, at his Desire, read, to the following Effect.

“ Gentlemen,

“ It is with great Concern that I find myself in the disagreeable Situation of being
 “ obliged to enter into a Justification of my
 “ Conduct, from a Suspicion arising of Dis-
 “ obedience to his Majesty’s Orders, and
 “ Neglect of my Duty. Under these Cir-
 “ cumstances, my only Satisfaction is, in the
 “ Hope I have of fully justifying my Beha-
 “ viour, before Gentlemen with whose Can-
 “ dour and Experience I am well acquainted,
 “ and thereby totally removing every Impu-
 “ tation of Disobedience and Neglect from
 “ my Character, the maintaining of which
 “ has been the constant Study of my Life.

“ The Articles mentioned in his Majesty’s
 “ Warrant, and to which, I presume, I am
 “ to answer, are,

“ 1mo. Why, having received his Majesty’s Orders, in the Month of *November*, to repair to *Minorca*, I did not set out till the End of *March*?

“ To this I beg Leave to answer, That I was no sooner honoured with his Majesty’s Commands by the Secretary at War, than I immediately made all the Dispatch in my Power, that I might be in Readiness to execute them.—Having done this, I acquainted His Royal Highness the Duke with my Intention and Desire to embark on board the first Ship of War that sailed to the *Mediterranean*, of which His Royal Highness was pleased to approve. No Ship of War was sent to the *Mediterranean*, from the Time I received his Majesty’s Commands, till the Squadron sailed under the Command of Admiral *Byng*.

“ In the Month of *February* following, His Royal Highness was pleased to inform me, that His Majesty expected I would set out immediately, and at the same Time directed me to send Orders to all recruiting Officers and others, belonging to the Regiments at *Minorca*, to repair forthwith to their Posts. Upon this I wrote to the several Agents of these Regiments, to acquaint their Officers with the abovementioned Orders, and that they should immediately

“ immediately march to *Portsmouth* with their
 “ Recruits to embark.

“ I applied to Lord *Anson* for a Ship to
 “ carry us : The *Revenge* was appointed ; but
 “ before she was in Readiness to sail, Ad-
 “ miral *Byng*’s Squadron was ordered for
 “ the *Mediterranean* ; and upon my Appli-
 “ cation to him at *Portsmouth*, the Officers
 “ and Recruits for *Minorca* were, by his
 “ Directions, distributed on board the several
 “ Ships of his Squadron.

“ I hope that, all these Circumstances
 “ considered, it will clearly appear, that
 “ my not embarking sooner, was not ow-
 “ ing to any Neglect.

“ 2do. Whether I used my best Endea-
 “ vours to throw myself into *Fort St. Phi-*
 “ *lip* ; or at any Time made Application
 “ to the Admiral, or other Officers of the
 “ Fleet, for that Purpose ?

“ In Respect to this, I must beg Leave
 “ to observe, that I am fully convinced of
 “ the Justice and Propriety of his Maje-
 “ sty’s receiving full Satisfaction. It was
 “ not through any Neglect in me, that his
 “ Majesty’s Orders for my joining my Com-
 “ mand at *Minorca*, were not complied
 “ with.

“ I went on board the Fleet at *Gibral-*
 “ *tar*, in Hopes of getting into *Fort St.*
 “ *Philip* ; I knew that Admiral *Byng* had
 “ Orders

“ Orders to put us on Shore ; he knew I
 “ was there for that Purpose only. This
 “ being the Case, and as it was in his Pow-
 “ er only to send me thither, in any Man-
 “ ner that he should find practicable, I
 “ own I did not think any particular Ap-
 “ plication necessary, nor indeed was it in
 “ my Power : For on the 19th of *May*,
 “ when the Fleet brought to off the Har-
 “ bour’s Mouth, and I expected the Admi-
 “ ral would endeavour to give the Garrison
 “ Notice of our Situation, in Order to con-
 “ cert Measures for throwing us into the
 “ Fort; the Signal being made by the Fri-
 “ gates a-head that the *French* Fleet were
 “ in Sight, the Admiral made the Signal
 “ to Chace, the Fleet thereupon immedi-
 “ ately made Sail, and stood after the Ene-
 “ my. The remaining Part of that Day,
 “ the only one in which we were near *St.*
 “ *Philips*, was employed in coming up with
 “ the Enemy, and preparing for an Engage-
 “ ment, which happened the next Day.

“ I hope it will appear from this plain
 “ Detail of Facts, that I had no Opportu-
 “ nity of applying to the Admiral to put
 “ me on Shore, before the Action ; and an
 “ Application to any other Officer of the
 “ Fleet, without the Admiral’s Orders,
 “ could have had no Effect. After the
 “ Action, we were at a Distance from the
 “ Island,

“ Island, and the Enemy’s Fleet between
 “ us and *Fort St. Philip*.

“ 3tio. Why I, being only a Passenger
 “ on Board the Fleet, did assist at, and sign
 “ a Sea-Council of War, which advised an
 “ immediate Return to *Gibraltar*, without
 “ making any Attempt to reinforce or relieve
 “ the Garrison of *Fort St. Philip*’s ?

“ My Answer to that shall consist in my
 “ giving a succinct Narrative of my Con-
 “ duct.

“ On the 24th of *May* I received a Mes-
 “ sage from the Admiral by an Officer,
 “ desiring my Attendance at a Council of
 “ War. I was at that Time very lame,
 “ and otherwise much indisposed ; but as I
 “ knew not to what End this Council of
 “ War might be called, and as it might
 “ possibly have been to concert some Means
 “ for putting us on Shore, my Zeal for the
 “ Service would not allow me to think of
 “ any Excuse ; and I hope that Zeal will
 “ not be thought a Fault, which was then
 “ the sole Motive of my Attendance.

“ The Distinction of my being a Pas-
 “ senger only, I must confess, did not oc-
 “ cur to me ; but if it had, as there were
 “ several Officers and Soldiers on board
 “ the Squadron, whom I took to be under
 “ my Command, I mention it only for your
 “ Consideration, whether, if it had oc-
 “ curred

“ cured to me, I could have relied on it as
 “ an Excuse, or have satisfied myself, that
 “ it would not have been looked upon as a
 “ Neglect of Duty. I considered myself
 “ as an Officer sent on the same Service, and
 “ having the same Point in View, with the
 “ Officers of the Fleet, and bound to co-
 “ operate with them to the utmost of my
 “ Power for the Advancement of that Ser-
 “ vice. Under these Persuasions, I was
 “ present at the Council of War, where,
 “ from what appeared to us, from the
 “ then Circumstances of Affairs, the State
 “ of the Fleet, and the Sentiments of all
 “ the Gentlemen that were present, I gave
 “ that Opinion, which seemed to me to be
 “ most for his Majesty’s Service.

“ NOW, GENTLEMEN, I must in-
 “ treat you to consider the Situation I was
 “ in, the Difficulties I was under, in dis-
 “ tinguishing what Steps were the most
 “ proper for me to take, my being still
 “ ready to go upon that Service to which
 “ I was destined, my Desire to avoid enter-
 “ ing into any Disputes that might perplex
 “ that Service, and, if I may be permitted
 “ to add, the whole Tenour of my Life,
 “ in which Punctuality in my Duty has
 “ ever been my Aim and Endeavour, and
 “ therefore less likely to err, willingly, in
 “ an Affair of this Importance —

“ These

“ These Reasons I cheerfully submit to
 “ your Consideration; and I hope, from
 “ your Report, to be restored to his Maje-
 “ sty’s good Opinion, which I have ever
 “ steadily fought to obtain, and from which
 “ it has given me the utmost Anxiety to
 “ have fallen.”

Major General *Stuart* was asked, whether, upon the Day of the Council of War, he asked any of the Officers of the Fleet, whether it was practicable to put them on Shore?

To which he answered, that he thinks he did ask Admiral *Byng* (but is not absolutely certain) and that he received for Answer, that it was not practicable; but is sure that he understood from the Officers in general, who assisted at the Council of War, that it was not practicable.

Colonel *Cornwallis* said, that he had likewise put some Particulars in Writing, which he conceived would answer those Questions, and which were, at his Desire, read, to the following Effect:

“ That I received no written Orders for
 “ my going to my Post at *Minorca* at any
 “ Time—That being confined to my House
 “ by a severe Illness for five Weeks, I had
 “ heard that the Officers belonging to the
 “ Garrison of *Minorca* were ordered to their
 “ Posts; — That as soon as I could possibly

“ go out, I did wait upon his Royal High-
 “ ness the Duke to know his Commands—
 “ this was upon *Sunday* the 21st of *March*—
 “ His Royal Highness told me, it was his
 “ Majesty’s Pleasure that I should set out
 “ for my Post at *Minorca* — I kissed his
 “ Majesty’s Hand upon *Monday* the 22d,
 “ or *Tuesday* the 23d, and set out for *Portf-*
 “ *mouth* on *Friday* the 26th in a State of
 “ Health that an Officer less desirous, or
 “ less willing of going to his Duty, might
 “ have pleaded Incapacity — So that in four
 “ Days from receiving my Orders I repaired
 “ to *Portsmouth*, and there embarked on
 “ Board his Majesty’s Fleet for *Minorca*, as
 “ ordered. I hope therefore Disobedience
 “ of Orders, or Neglect of Duty in this
 “ Point, cannot be charged upon me —
 “ As to the Question, Whether I used
 “ my best Endeavours to throw myself into
 “ *Fort St. Philip*, or at any Time made Ap-
 “ plication to the Admiral or other Officers
 “ of the Fleet for that Purpose? I answer,
 “ That I did use my best Endeavours,
 “ that is, I went on Board the Fleet as early
 “ as possible, with a full Intention of go-
 “ ing into *Fort St. Philip*—That the execu-
 “ tive Part was with the Admiral as to
 “ landing me—That I never perceived any
 “ Disinclination in the Admiral to endea-
 “ vour to land me; therefore no Necessity
 “ for asking him to do what he was order-
 “ ed

“ ed to do—That I do not know any Time
 “ such a Question would have been proper
 “ to put to the Admiral, or any other Of-
 “ ficer of the Fleet—For when the Fleet
 “ came in Sight of *Minorca*, the Enemy’s
 “ Fleet was descried, and Signals made
 “ to Chace in Line of Battle a-head, which
 “ I conceive was no Time to make such
 “ Application, as it would have looked like
 “ declining the Engagement ; neither was
 “ it a Time the Admiral could have spared
 “ a Ship or Boat, as I apprehend—That
 “ after that unhappy Engagement it was
 “ impracticable, as the Enemy’s Fleet was
 “ between us and *St. Philip’s*—An Appli-
 “ cation then would have looked more
 “ like a Bravado than any real Intention to
 “ the Service—Had the Admiral after the
 “ Engagement appeared off *St. Philip’s*,
 “ and delayed or shewed any Disinclination
 “ to attempt the landing me, I should
 “ then have thought it my Duty to have
 “ applied to him, and insisted upon the
 “ Trial of it.

“ As to the Question, Why I did assist at
 “ and sign a Sea-Council of War, which
 “ advised an immediate Return to *Gibral-*
 “ *tar*, being a Passenger ?

“ I think I cannot be deemed a Passen-
 “ ger, but an Officer actually upon the
 “ King’s Service, having both Officers and

“ Men of my own Regiment under my
 “ Command, and destined for *Minorca*. —
 “ But, admit my being a Passenger, I look-
 “ ed upon myself as under the Command
 “ of the Admiral, and should have thought
 “ it my Duty to have obeyed him, had he
 “ stationed me to any Post during the Ac-
 “ tion : And that the Admiral thought so
 “ is plain, from his having sent on Board
 “ the *Kingston*, the Ship I was in, to order
 “ a Lieutenant and several Recruits of the
 “ *Welsh* Fuziliers on Board the *Buckingham*
 “ to reinforce her ; and that both the Of-
 “ ficers and Recruits of the different Corps
 “ were stationed to different Guns, and did
 “ Duty the same as the *English* Fuziliers,
 “ who were on board as Marines — That
 “ I conceive I behaved like an Officer in
 “ obeying the Summons of the Commander
 “ in Chief to assist at the Council of War,
 “ the declining of which might, as I ap-
 “ prehend, have been construed a Disobe-
 “ dience of Orders, and a Backwardness in
 “ assisting upon the King’s Service — That
 “ nothing has been more common than
 “ Land and Sea Officers sitting together
 “ upon Sea-Councils of War.—I know no
 “ Rule laid down in the Military Service
 “ to govern myself by as a Passenger, and
 “ therefore had only my Judgment to guide
 “ me — As to my Opinion, when at the
 “ Council

“ Council of War, I hope it will be sufficient to say, I acted to the best of my Judgment for the King’s Service, unbiassed and uninfluenced. — I must further observe, that when the Fleet was reinforced, and under the Command of Sir *Edward Hawke*, I again embarked, and sailed for my Command at *Minorca*, but we met the Garrison of *St. Philip’s* in their Way to *Gibraltar*.”

To this Colonel *Cornwallis* added verbally : — “ May I be permitted to say, that I have been now upwards of Twenty-six Years in his Majesty’s Service, and employed upon more Service and greater variety, than perhaps any Officer of my Years and Standing in the Army ; that it has been my good Fortune, during the Course of my Service, never to have had a Reprimand, or even Rebuke from any superior Officer ; and that I have had the Honour to serve under the several general Officers appointed for this Inquiry ; and I flatter myself they will bear Testimony of my Zeal for, and Forwardness in the King’s Service upon all Occasions.”

Captain *William Parry*, who commanded the *Kingston*, on board of which was Colonel *Cornwallis*, and who had upon that Account been summoned, as a Person, from whom

whom we might probably receive some Information, was asked, at the Desire of Colonel *Cornwallis*, Whether he, Colonel *Cornwallis*, did seem desirous of being at his Post in *Minorca*?

To which he answered, That Colonel *Cornwallis* did many Times upon the Passage (and long before the 19th of *May*) express great Desire of being at his Post, and said, he did not care at what Rate he could be landed ; and before their coming to *Gibraltar*, upon their meeting a Vessel, from which they received Information, that it was believed *Mabon* was invested, the Colonel said with Eagerness, “ I wish to God “ I had been with my Regiment.”

Being also asked, at Colonel *Cornwallis*’s Desire, whether he, Colonel *Cornwallis*, did, immediately before the Engagement, make Application to know in what Part of the Ship he could be of most Service in the Action, whether upon the Poop, or elsewhere?

Answered, That Colonel *Cornwallis* did apply to him to that Effect ; and his Answer was, that his continuing upon the Deck with him would be the most likely Situation to do him any Service ; and that the Colonel did accordingly keep that Station, in order to co-operate with him.

Captain

Captain *Parry* being questioned by us, whether after the Engagement, whilst the Fleet was refitting, it was in his Opinion practicable to have landed Colonel *Cornwallis* and the other Officers, who had Commands at *Fort St. Philip's*?

Answered, That in his Opinion it was not practicable, the *English* Fleet being then at the Distance of about eight or ten Leagues from the Island, and the *French* Fleet between them and the Island.—Captain *Parry* added, that before their arriving off *Minorca*, Captain *Harvey*, who came from *Majorca*, and joined them on the 17th or 18th of *May*, told them it was thought at *Majorca*, that the *French* Fleet were then off *Minorca*.

The Earl of *Effingham* said, that having considered the Scope of his Majesty's Warrant, he was prepared to lay a succinct Account of his Conduct before us, which he apprehended would likewise give a clear Answer to the Questions now proposed to him; which he did to the following Effect:

“ That in Regard to his Orders, he was
 “ on the 16th of *February* last told by Ge-
 “ neral *Stuart* at Court, that he had re-
 “ ceived Orders to send all Officers to their
 “ Posts at *Minorca*; in Consequence of
 “ which he (the Earl of *Effingham*) imme-
 “ diately prepared to be ready as soon as
 “ the

“ the Man of War appointed to carry him
 “ and other Officers, and was at *Portsmouth*
 “ a Week before the Ship sailed.

“ That in Regard to his using his best
 “ Endeavours to get into *Fort St. Philip*, he
 “ does not know what Effort he could
 “ make for that Purpose, till the Admiral
 “ saw a proper Opportunity of landing
 “ him, more than at the Fleet’s approach-
 “ ing to *Minorca*, he held himself in Rea-
 “ diness to disembark, whenever a Signal
 “ or Order should be given for that Pur-
 “ pose; and that he went a second Time
 “ with Sir *Edward Hawke’s* Fleet, till the
 “ Troops were met coming down.—As to
 “ an Application to the Admiral, or other
 “ Officers of the Fleet, he never did make
 “ any; because, as the Admiral must know
 “ for what Purpose he was ordered to go
 “ on board the Fleet, he could not but
 “ conclude that the Admiral would land
 “ him, whenever he had it in his Power.

“ And to the remaining Question, Why,
 “ being only a Passenger on Board the Fleet,
 “ he did assist at, and sign a Sea-Council of
 “ War, which advised an immediate Re-
 “ turn to *Gibraltar*, without any Attempt
 “ to reinforce or relieve the Garrison of
 “ *St. Philip’s*, then besieged by the Enemy?
 “ he answers, because, the Admiral having
 “ sent an Officer to desire he would come
 “ with

“ with Captain *Cornwall* on Board his (the
 “ Admiral’s) Ship; as an Officer, he thought
 “ himself obliged to go wherever he was
 “ ordered or summoned on his Majesty’s
 “ Service; and, as an Officer on board that
 “ Fleet, he thought the Admiral, com-
 “ manding in Chief, had a Right to send
 “ him that Summons. The same Reason
 “ made him give an Opinion upon such
 “ Questions as he was (by the Admiral’s
 “ Order) asked; and he hopes that he shall
 “ never give an Opinion or Advice (where the
 “ Service of his King and Country is con-
 “ cerned) that he shall be ashamed to sign;”
 adding; “ That the Opinion he gave was
 “ principally founded upon the Representa-
 “ tion of the State of the Fleet, and the
 “ Reasons given by the Officers of the
 “ Navy.”

The Earl of *Effingham* also acquainted
 us, that from the Moment it appeared the
 Fleets were to engage, he applied to Cap-
 tain *Cornwall*, desiring him to quarter him,
 where he thought he could be of most Ser-
 vice; but that Captain *Cornwall* thinking
 (as it seemed to his Lordship) that he was
 sent upon another Service, declined appoint-
 ing him to any Post in the Ship: His Lord-
 ship upon that desired, he might have Leave
 to be upon the Quarter-Deck, which was
 granted;—and said, that, if Captain *Corn-*

wall had been here, he should have desired his Testimony in that Behalf.

Having thus laid before your Majesty an exact State of the Information received in the Course of our Examination, we do, in farther Obedience to your Majesty's Commands, most humbly report to your Majesty the several Matters, which have been the principal Objects of our Attention in this Inquiry, as they appear to us, viz.

It does appear to us, that Major General *James Stuart*, and Colonels *Edward Cornwallis* and *Thomas Earl of Effingham*, from the sailing of the Fleet from *Gibraltar*, until the 19th Day of *May*, were upon their Passage to *Minorca*, in order to join their several Commands; and their Destination and Orders being known to Admiral *Byng*, they could have no Doubt of the Admiral's Intention of landing them upon the first Opportunity:—That upon the said 19th of *May*, when the Fleet arrived off *Minorca*, they saw the *French* Fleet, to which the Admiral gave Chace during the Remainder of that Day, and on the Day following ensued the Engagement of the two Fleets; which rendered their being landed upon either of those Days impracticable, and any Application from them for that Purpose improper,

as

as it might have carried an Appearance of their desiring to shun an Action, which must then evidently take Place:—That after the Engagement, until the Time of sailing on their Return to *Gibraltar*, the *English* Fleet was at a Distance of Eight or Ten Leagues from *Minorca*, and the *French* Fleet in Sight between the *English* Fleet and the Island:—And that when the Fleet being reinforced sailed again towards *Minorca*, under the Command of Sir *Edward Hawke*, they were again on board the Fleet, in Order to repair to their respective Posts, until they met the Transports, which brought the *English* Garrison from *St. Philip's*.

And, in Regard to the said Major General *Stuart*, Colonels *Cornwallis* and Earl of *Effingham*, having assisted at, and signed a Sea Council of War, being only Passengers on board the Fleet, it does appear to us, that their critical Situation in that Juncture, and their being summoned by the Admiral, whom they looked upon as their commanding Officer, induced them, though perhaps not altogether regular, to assist at, and give their Opinions in that Council of War, to the best of their Understanding.

And upon the Whole, we do humbly submit to your Majesty our unanimous Opinion,

on, that the Conduct of the said Major General and Colonels, and each of them, is clear from any Suspicion of Disobedience of Orders or Neglect of Duty:

J. LIGONIER.

JOHN HUSKE.

J. CHOLMONDELEY.

Privy Garden, Decem-
ber 8th, 1756.

F I N I S.





